

Municipal Services Agency
Robert B. Leonard, Administrator

Department of Water Resources
Michael L. Peterson, Director



Bradley J. Hudson,
County Executive

County of Sacramento

October 18, 2012

Dan Ray, Chief Deputy Executive Director
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Comments on the Final Draft (9/5/12) of the Delta Stewardship Council's (DSC) Delta Plan

Dear Mr. Ray:

As you know, Sacramento County has been engaged with DSC staff during the first six releases of the draft Delta Plan (Plan). The County believes this interaction has resulted in improvements in the proposed land use, flood management, ecosystem restoration, and water policies and recommendations. With reasonable implementation that respects and considers the governance roles and powers of local government, the Plan could be an effective long-term regulatory and policy management tool for the Delta.

Given the Plan is in the final stages of the drafting and environmental review process, the County's comments (below) focus on specific policies that we believe require additional evaluation/clarification and possible revision, and in specific cases reiterates and includes by reference prior comments submitted by the County (i.e., definition of "significant impact" and implementation of ecosystem restoration policies). The County's comments are as follows:

Delta Plan (Chapter 2):

According to page 54, "significant impact" is defined as a change in baseline conditions that is caused by a project and that on its own or when considered "cumulatively" in connection with the effects of past projects, other current projects and probable future projects. This definition is very expansive and as a result potentially includes every project. The consideration of the "cumulative impacts" essentially makes the baseline for determining significance as the past projects. It requires an environmental analysis on all projects even those that by themselves do not have an impact on the coequal goals. It is hard to imagine any action in the Delta, combined with the effects of past projects, current projects and probable future projects as not having a cumulative effect.

Ecosystem Enhancement (Chapter 4)

As described in the County's comments on Draft #5, it is critical that ER P3 (Protect Restore Habitat), as listed on page xx, not preclude or trump the implementation of a local government's habitat protection strategies set forth in approved Habitat Conservation Plan (HCPs) or the general plan. To ensure that local conservation management strategies are not precluded or compromised by this policy, the County continues to maintain its

position that local ordinances, policies and programs and HCPs and NCCPs must be exempted in the plan. Please see our detailed comment letter, dated September 30, 2011.

Delta as an Evolving Place (Chapter 5)

The County proposes the following changes/additions to DP P1 and questions the need for the *italicized provision* (below):

New urban development, including residential, commercial, and industrial uses is not subject the covered action determination and consistency certification processes, provided the proposed uses are located in must-be-limited to the following areas (as shown in Figure 5-1 or Appendix K):

1. areas that ~~city or~~ county general plans, as of the date of the Delta Plan's adoption, designate for development ~~in cities or their spheres of influence;~~
2. areas that city or county general plans, as of the date of the Delta Plan's adoption, designate for development, in cities or including their spheres of influence;
3. areas within Contra Costa County's 2006 voter-approved urban limit line, except Bethel Island;
4. areas within the Mountain House General Plan Community Boundary in San Joaquin County; or
5. the unincorporated Delta towns of Clarksburg, Courtland, Hood, Locke, Ryde, and Walnut Grove.

This policy covers proposed actions that involve new urban development, including residential, commercial, and industrial uses, that is not located within the areas described in the previous paragraph. This provision is confusing as it appears to conflict with the locational criteria listed above. For example if a covered action (for new urban development) can be proposed in all areas of the legal Delta (Water Code section 12200) and the Suisun Marsh, why include the locational limitations listed above. Therefore, as an alternative the County recommends the following:

This policy applies to covers proposed covered actions that involve new urban development, including residential, commercial, and industrial uses, that is are not located within the areas described in the previous paragraph, and are subject to the covered action determination and consistency certification review processes.

In addition, this policy also applies covers to any such action on Bethel Island, where development shall occur only if consistent with the County Costa County general plan in place as of the date of the Delta Plan's adoption.

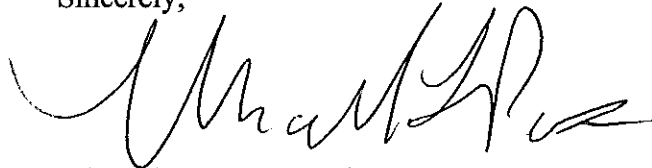
If The limitations described in DP P1 does not cover apply to commercial recreational visitor serving uses or facilities for processing local crops or that provide essential services to local farms and are otherwise consistent with the Delta Plan, ~~In addition, this policy also covers any such action on Bethel Island, where development shall occur only if consistent with the County Costa County general plan in place as of the date of the Delta Plan's adoption.~~ This policy, nor is it not intended in any way to alter the concurrent authority of the Delta Protection Commission to separately regulate development in the Delta's Primary Zone.

Risk Reduction (Chapter 7)

Throughout the drafting of the Delta Plan, Sacramento County has expressed concern about the implementation of **RR P2**, most recently in an August 31, 2012 letter. Again, this policy pre-determines that any proposed residential development "consisting of five or more parcels" is defined as "urban". By doing so, RR P2 imposes a 200-year flood protection standard to manage Delta resources without considering the larger context of how such development might reasonably and beneficially integrate with the surrounding non-urban, agricultural and legacy communities while still maintaining the co-equal goals. As shared with DCS staff, implementation of this policy creates a standard that will impede reasonable growth and stall efforts to keep the Delta economically sustainable and viable. Therefore, we request that the Council amend this policy to include a monitoring competent. Should the Council, over the next year, determine that RR P2 is unnecessarily constraining new urban development that is otherwise consistent with the coequal goals, take immediate steps to update and revise.

In closing, as expressed in previous comments, to effectively address the Delta's coequal goals mandate, the Council must adopt a Plan that contains clear, measurable, and reasonable policies (regulatory actions). Sacramento County remains committed to strengthening its partnership with the DSC and will continue to work together to ensure effective implementation of the Plan now and in the future. We will be closely monitoring the AOL's rulemaking process and look forward to the release of the Plan's recirculated environmental document. As appropriate, we will be providing written comments on both. Should you have questions about the comments contained herein, please contact Don Thomas, Senior Planner, at (916) 874-5140.

Sincerely,



Michael L Peterson, Director
Department of Water Resources

cc: Robert B. Leonard, Chief Deputy County Executive, Sacramento County
Loss Moss, Director of the Department of Community Development, Sacramento County
Cindy Storelli, Principal Planner, Sacramento County
Michele Bach, County Counsel, Sacramento County
Don Thomas, Senior Planner, Sacramento County